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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			KIM, KEVIN	
			ART UNIT	PAPER NUMBER
			2638	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/759,177	Applicant(s) AMTMANN, FRANZ	
	Examiner Kevin Y. Kim	Art Unit 2638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-20 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on November 11, 2005 have been fully considered but they are not persuasive.

Applicant traverses the rejection of original claims 1-5 by arguing that the Trontelj patent fails to show that the value of the capacitor configuration is controlled "during the communication process with a communication station." In this connection, applicant argues that while the switching means of the claims is in a conductive switching state during the communication mode, the switch 34 of the Trontelj patent is in an open state. This reading of the Trontelj patent is incorrect. At col.6, Trontelj patent clearly explains that the switch 34 is closed during a communication with an interrogator, i.e., a communication station, to provide a canceling magnetic field. See col. 6, lines 6-14, lines 31-41 and lines 48-51 specifically.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7, 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the

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relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 7 and 15.

The specification including drawings fails to describe a data carrier embodiment where “the capacitor configuration is arranged in parallel with both the at least one second transmission coil and the first transmission coil.” In order for this arrangement to be possible, the at least one second transmission coil and the first transmission coil must be in parallel but no such arrangement was described in the specification or depicted in the drawings originally filed.

Claim 16.

When carefully read, the claim requires that the at least one second transmission coil be in parallel with the first capacitor and in series with the second capacitor. Since the first and second capacitors (C and C1) are coupled in parallel, they both should be either in parallel or in series with the at least one second transmission coil. There is no arrangement described or depicted where one capacitor is in series at least one second transmission coil with while the other is in parallel with at least one second transmission coil.

Claim Rejections - 35 USC § 102

5. Claims 1-5,7-9, 12-14,17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Trontelj (US 6,208,235 previously cited).

Claim 1.

Referring to Fig.1, Trontelj teaches a data carrier (12) configured to communicate with a communication station (10) with the aid of a carrier signal having a given carrier signal

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frequency. The data carrier (12) includes a receiving-means configuration for receiving the carrier signal, wherein the receiving-means configuration includes;

a first switching means (34), which is switchable between a conductive switching state and a nonconductive switching state,

a first transmission coil (L_c) that can be short-circuited with the aid of the first switching means, through which a coil current (I_2) flows during a communication process with a communication station, during which process the switching means is in its conductive switching state and the coil current (I_2) has a phase lag with respect to the voltage across the first transmission coil (col. 7, line 45), and

a capacitor configuration (24, 28) arranged in parallel with at least one second transmission coil (L_r), causing a coil current (I_1) through the second transmission coil during a communication process with a communication station, where the coil current (I_1) has a phase lead with respect to the voltage across the second transmission coil (col. 7, line 37).

The data carrier (12) is further characterized in that the receiving means configuration is configured to be controllable as regards the value of at least one of the at least one second transmission coil and the capacitor configuration, wherein the controllable value is selected so that, during the communication process with a communication station, the respective magnetic fields associated with the first transmission coil and the at least one second transmission coil are cancelled. See col. 6, lines 49-51. Col.5, line 32-36 describes the controlling of the value, i.e., the capacitance of the capacitor configuration (24, 28).

Claims 2, 3 and 7.

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See col.5, line 32-36 describing the controlling of the capacitance of the capacitor configuration (24, 28).

Claim 4.

Trontelj shows the capacitor configuration is comprised of a first capacitor (24) and at least one series arrangement of a second capacitor (28) and a second switching means arranged in parallel with the first capacitor (24). Although the second switch is not illustrated, its presence can be easily deduced by noting that since the MOD output is switchable between a conductive switching state (when the ground connection is made) and a non-conductive switching state (when the ground connection is broken), a switch is present between the second capacitor (28) in series with the ground. See col. 5, lines 32-36.

Claim 5.

Fig.1 of Trontelj clearly shows that the capacitor configuration (24/28) is disposed in series with the first transmission coil (Lc).

Claim 8.

Referring to Fig.2A, Trontelj shows a second embodiment where the receiving means (12) is configured such that the value of the least one second transmission coil (L2) is controllable. See col. 8. lines 12-23 in particular.

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Claim 12. (which is substantially the same as claim 1 except that it does not require the capacitor configuration (24, 28) to be arranged in parallel with at least one second transmission coil (L_r))

Referring to Fig.1, Trontelj teaches a data carrier (12) configured to communicate with a communication station (10) with the aid of a carrier signal having a given carrier signal frequency. The data carrier (12) includes a receiving-means configuration for receiving the carrier signal, wherein the receiving-means configuration includes;

a first switching means (34), which is switchable between a conductive switching state and a nonconductive switching state,

a first transmission coil (L_c) that can be short-circuited with the aid of the first switching means, through which a coil current (I_2) flows during a communication process with a communication station, during which process the switching means is in its conductive switching state and the coil current (I_2) has a phase lag with respect to the voltage across the first transmission coil (col. 7, line 45), and

a capacitor configuration (24, 28), causing a coil current (I_1) through the second transmission coil during a communication process with a communication station, where the coil current (I_1) has a phase lead with respect to the voltage across the second transmission coil (col. 7, line 37).

The data carrier (12) is further characterized in that the receiving means configuration is configured to be controllable as regards the value of at least one of the at least one second transmission coil and the capacitor configuration, wherein the controllable value is selected so that, during the communication process with a communication station, the respective magnetic

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fields associated with the first transmission coil and the at least one second transmission coil are cancelled. See col. 6, lines 49-51. Col.5, line 32-36 describes the controlling of the value, i.e., the capacitance of the capacitor configuration (24, 28).

Claim 13.

Fig.1 of Trontelj clearly shows the capacitor configuration is comprised of a first capacitor (24) and at least one series arrangement of a second capacitor (28) and a second switching means arranged in parallel with the first capacitor (24). Although the second switch is not illustrated, its presence can be easily deduced by noting that since the MOD output is switchable between a conductive switching state (when the ground connection is made) and a non-conductive switching state (when the ground connection is broken), a switch is present between the second capacitor (28) in series with the ground. See col. 5, lines 32-36.

Claim 14.

Fig.1 shows that the capacitor configuration (24,28) is in series with the first transmission coil (Lc) and in parallel with the at least one second transmission coil (Lr).

Claim 16.

Fig.1 of Trontelj clearly shows the capacitor configuration is comprised of a first capacitor (24) and a second capacitor (28), wherein the first capacitor is in parallel with the second transmission coil (Lr), which is in a series with the first transmission coil (Lc) and a second switching means arranged in parallel with the first capacitor (24). Although the second switch is not illustrated, its presence can be easily deduced by noting that since the MOD output is switchable between a conductive switching state (when the ground connection is made) and a

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non-conductive switching state (when the ground connection is broken), a switch is present between the second capacitor (28) in series with the ground. See col. 5, lines 32-36.

Claims 17 and 18.

See col.5, line 32-36 describing the controlling of the capacitance of the capacitor configuration (24, 28).

Claim 19.

Referring to Fig.2A, Trontelj shows a second embodiment where the receiving means (12) is configured such that the value of the least one second transmission coil (L2) is controllable. See col. 8. lines 12-23 in particular.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trontelj as applied to claims 8 and 19 above respectively in view of Burkhardt et al (US 3,951,230).

Trontelj discloses all the subject matter claimed except that there are a plurality of second transmission coils. However, the number of the second transmission coils, which are in fact well known inductor coils, to provide a desired inductance is considered as a matter of design choice to one skilled in the art at the time the invention was made in that a desired inductance could be provided by serial connecting inductors, as evidenced by Burkhardt et al. See col. 2,

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lines 30-32. In other words, a single inductor is equivalent to a serially connected inductors of smaller inductance. Furthermore, the specification has fails to discloses criticality of using plural inductors as opposed to a single inductor.

Allowable Subject Matter

6. Claims 10, 11, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kevin Kim', is positioned above the printed name.

KEVIN KIM
PATENT EXAMINER